

ADVERSED

JUL 21 2003

Entered - 04/04/03 - sb  
CL03L0266 - DIANNE C. MITCHELL

CLAIM OF: **JERRY MILLSAPS,**  
through his attorney,  
**F. Gregory Melton**  
**P. O. Box 988**  
**Dalton, Georgia 30722**

03-R -1044


For damages alleged to have been sustained as a result of a vehicular accident on November 10, 2002 at Interstate 75 northbound at 10<sup>th</sup> Street.

THIS ADVERSED REPORT IS APPROVED

BY:

  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

**CERTIFIED**  
JUL 21 2003

  
DEPUTY MUNICIPAL CLERK

## ADVERSE REPORT

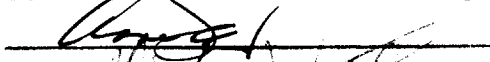
PUBLIC SAFETY &

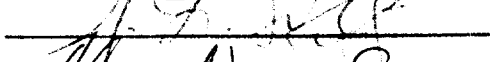
LEGAL ADMINISTRATION COMMITTEE

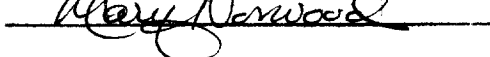
DATE: 7/15/03

CHAIR: 











## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

July 28, 2003

F. George Melton  
Attorney at Law  
P.O. Box 988  
Dalton, GA 30722

03-R-1044

RE: Jerry Millsaps

Dear Attorney Melton:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 21, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 03L0266

Date: July 2, 2003

Claimant /Victim JERRY MILLSAPS  
BY: (Atty) F. Gregory Melton  
Address: P. O. Box 988, Dalton, Georgia 30722  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 600,000.00  
Date of Notice: 04/03/03 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 11/10/02 Place: Interstate 75 northbound at 10<sup>th</sup> Street  
Department Police Bureau:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges he was injured in a vehicular accident when his vehicle struck a disabled vehicle in the roadway. The claimant further alleges that the City was negligent in failing to properly secure the accident scene. However, the City is immune from liability as set forth in O.C.G.A. §§36-33-1 and 33-33-5.

**INVESTIGATION:**

Statements: City employee        Claimant        Others        Written        Oral         
Pictures X Diagrams        Reports: Police        Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

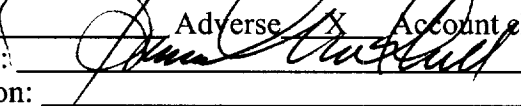
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$        Adverse X Account charged: 1A01        2J01        2H01        2P01         
Claims Manager:  Concur/date 07/02/03  
Committee Action:        Council Action

RCS# 4940  
7/21/03  
6:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS. 1-11, EXCEPT:03-O-1034  
03-R-1110, 03-R-1137, 03-O-1116  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
E Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

CONSENT I

		7/21/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 02-O-1259 2. 03-O-0148 3. 03-O-0826 4. 03-O-1114 5. 03-O-1122 6. 03-O-0939 7. 03-O-0974 8. 03-O-1120 9. 03-O-0964 10. 03-O-1115 11. 03-O-1117 12. 03-R-0896 13. 03-R-1103 14. 03-R-1126 15. 03-R-1136 16. 03-R-1124 17. 03-R-1102 18. 03-R-1129 19. 03-R-1135 20. 03-R-1088 21. 03-R-1104 22. 03-R-1111 23. 03-R-1036 24. 03-R-1037 25. 03-R-1038	26. 03-R-1039 27. 03-R-1040 28. 03-R-1041 29. 03-R-1042 30. 03-R-1043 31. 03-R-1044 32. 03-R-1045 33. 03-R-1046 34. 03-R-1047 35. 03-R-1048 36. 03-R-1049 37. 03-R-1050 38. 03-R-1051 39. 03-R-1052 40. 03-R-1053 41. 03-R-1054 42. 03-R-1055 43. 03-R-1056 44. 03-R-1057 45. 03-R-1058 46. 03-R-1059 47. 03-R-1060 48. 03-R-1061 49. 03-R-1062 50. 03-R-1063	51. 03-R-1064 52. 03-R-1065 53. 03-R-1066 54. 03-R-1067 55. 03-R-1068 56. 03-R-1069 57. 03-R-1070 58. 03-R-1071 59. 03-R-1072 60. 03-R-1073 61. 03-R-1074

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4940)

Items Removed from the Consent Agenda: 03-O-1034; 03-O-1116; 03-R-1110; 03-R-1137;